

REMARKS

Claims 1-5 and 12-15 stand rejected under § 103 on the basis of Sugawara et al., '716 and Patire '671. Applicants traverse this rejection because Patire is directed to nonanalogous art, and cannot be combined with Sugawara et al. '930.

To be analogous art, a reference must either be in the field of the applicant's endeavor, or be reasonably pertinent to the particular problem with which the inventor was concerned. M.P.E.P. Section 2141.019(a). In *Wang Laboratories, Inc. v. Toshiba Corp.*, 933 F.2d 858, 25 USPQ2d 1767 (Fed. Cir. 1993), for example, a reference that described a single in-line memory module (SIMM) for an industrial controller was not in the same field of endeavor as patent claims directed to SIMM for installation on a printed circuit mother board for use in personal computers.

In the present case, the Patire '671 patent is directed to communication systems that use Gaussian Minimum Shift Keying ("GMSK"), for example, which is a cellular telephone communication system. The present invention is directed to an information recording/reading apparatus that reads information from a recording medium, such as a hard disk drive. Viewed in light of the Wang Laboratories case, communication systems and hard disk drives are clearly in different fields.

Moreover, the Patire reference addresses the problem of providing sufficient phase reference information for communications systems by obtaining phase reference information from data symbols, as well as phase reference symbols. Col. 2, lines 9-13. In contrast, the present invention addresses the problem of reducing the amount of timing


reproduction data to increase recording density (specification, p. 14, lines 17-19). Patire did not address this problem.

Neither prong of the requirements for analogous art is present with respect to the Patire reference. Accordingly, withdrawal of this rejection is respectfully requested.

For the foregoing reasons, applicants believe that this case is in condition for allowance, which is respectfully requested. The examiner should call applicants' attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 
James K. Folker
Registration No. 37,538

November 1, 2005

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: 312.360.0080
Facsimile: 312.360.9315

Customer No. 24978
P:\DOCS\192469605\9G4327.DOC